

IN RE APPLICATION NUMBER: 10/003,096

TRANSMITTAL COVER LETTER FOR FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES TO:

Attn: Legal Instruments Examiner Linda Spruell
Commissioner for Patents
Alexandria VA 22313,1450

FACSIMILE NUMBER: (703) 746-8833

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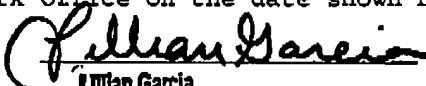
Fax.: (212) 596-9090

CLIENT/MATTER NO. 002447.00197(LT/140)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to
the U.S. Patent and Trademark Office on the date shown below.

January 16, 2004
Date


Julian Garcia

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 17

DATE: _____ FACSIMILE OPERATOR: _____

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WE ACKNOWLEDGE SAFE RECEIPT OF THIS TRANSMISSION

SIGNED: _____ DATE: _____

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PATENTS
LT/140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Steven D. Roach
Application No.: 10/003,096 Confirmation No.: 5186
Filed : December 6, 2001
For : CIRCUITRY AND METHODS FOR IMPROVING THE
PERFORMANCE OF A LIGHT EMITTING ELEMENT
Group Art Unit : 2821
Examiner : Jimmy Vu

New York, New York 10020
January 16, 2004

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria VA, 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This is in response to the Notice of Non-Compliant Amendment ("Notice") dated January 8, 2004, a copy of which is enclosed herewith. The Notice stated that the Amendment filed on December 2, 2003 was non-compliant because the Amendment was not submitted in the format required under 37 C.F.R. § 1.121, as amended on July 30, 2003.

In particular, the Notice stated that the "text of claim 8 is missing." The Notice also stated that the Amendment listed "claims 1-48, but claims 27-38 and 43 were cancelled by" the Amendment filed on July 24, 2003.

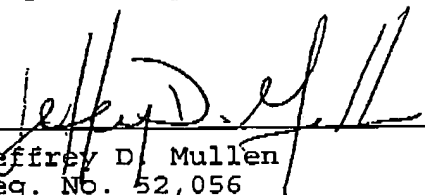
The undersigned held a phone Interview with Legal Instruments Examiner L. Spruell on January 15, 2004 regarding the Notice. During this Interview, Examiner Spruell determined that the Notice was sent in error and that the Amendment filed on December 2, 2003 was compliant. Particularly, the amendment to claim 8 was determined to be

compliant because the status of claim 8 was "not entered" and the revised C.F.R. § 1.121 states that not entered claims must be indicated by only the claim number and status, without presenting the text of the claims. The listing of claims 1-48 was determined to be compliant because the Amendment filed July 24, 2003 was a Reply to a Final Office Action, in which the cancellations to claims 27-38 and 43 were never entered by the Examiner. Therefore, claims 27-38 and 43 were pending when the Amendment was filed on December 2, 2003.

To satisfy the requirements of the Notice, applicant respectfully resubmits a copy of the "Amendments to the Claims" section of the compliant Amendment dated December 2, 2004.

Applicant is filing this Reply within the one-month period set forth in the Notice and, therefore, no fee is required. The Director is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this response is enclosed.

Respectfully submitted,



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